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7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 THERESA BROOKE, a married woman
11 dealing with her sole and separate claim,

12 Plaintiff,

13 vs.

14 PROMINENT HOSPITALITY INC., a
15 California corporation,

16 Defendant.

Case No:

VERIFIED COMPLAINT

(JURY TRIAL DEMANDED)

17 Plaintiff alleges:

18 **PARTIES**

19 1. Plaintiff Theresa Brooke is a married woman. Plaintiff is legally disabled,
20 and is therefore a member of a protected class under the ADA, 42 U.S.C. § 12102(2),
21 the regulations implementing the ADA set forth at 28 CFR §§ 36.101 et seq., the
22 California Unruh Civil Rights Act. Plaintiff ambulates with the aid of a wheelchair due
23 to the loss of a leg.

24 2. Defendant, Prominent Hospitality Inc., owns and/or operates and does
25 business as the hotel 2050 Ventura Boulevard, Camarillo, California 93010.
26 Defendant's hotel is a public accommodation pursuant to 42 U.S.C. § 12181(7)(A),
27 which offers public lodging services. On information and belief, Defendant's hotel was
28 built or renovated after March 15, 2012.

JURISDICTION

3. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 42 U.S.C. § 12188.

4. Plaintiff's claims asserted herein arose in this judicial district and Defendant does substantial business in this judicial district.

5. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

6. Pursuant to *Arroyo v. Rosas*, supplemental jurisdiction is appropriate over Plaintiff's Unruh claim. On a case-specific analysis, there are no compelling reasons to decline jurisdiction.

ALLEGATIONS

7. Plaintiff alleges that Defendant's hotel's disabled parking is not the shortest possible route to the Hotel lobby entrance. Section 208.3.1.

8. Disabled parking spots relate to Plaintiff's disability because she has only one leg and uses a wheelchair, and disabled parking provides for an access aisle and closer distances to an accessible entrance.

9. It is more difficult for a person in a wheelchair to move about than a person who is able to walk; it is also more time-consuming. Hence, disabled parking spots must be the closest to the building entrance to counter-act the difficulty and extra time, i.e. make things equal.

10. Plaintiff formerly worked in the hospitality industry. She is an avid traveler across California for purposes of leisure travel and to "test" whether various hotels comply with disability access laws, doing so at least once per month. Testing is encouraged by the Ninth Circuit.

11. In mid-April 2025, Plaintiff visited Defendant's hotel, which has a parking lot. However, the disabled parking spots were not the shortest distance to the lobby entrance, which is required pursuant to Section 208.3 of the Standards. The

1 Hotel's non-disabled parking spots are much closer to the entrance. As a result of the
2 violation that she personally encountered (disabled parking not shortest route to
3 entrance), she was deterred from entering the Hotel lobby and left the Hotel.

4 12. Plaintiff further alleges a violation of Section 502.6 of the Standards.
5 When Plaintiff went to Defendant's Hotel, she personally encountered that the disabled
6 parking spot does not have a sign posted of the International Sign of Disability, which is
7 required by Section 502.6.

8 13. Even assuming the disabled parking at the Hotel was compliant, Plaintiff
9 would not be able to lodge at the Hotel. While this is currently not alleged in an effort
10 to keep statutory damages at a reasonable level, but Plaintiff reserves the right to amend
11 in the future and will insist on this remediation if the claim is resolved, the entryway to
12 each of the individual Hotel rooms at the Hotel have a curb to get into the room. A
13 disabled person in a wheelchair cannot navigate a curb.

14 14. Plaintiff was further deterred from staying at the Hotel due to the
15 violation of Section 502.6 and the inability to access any of the individual Hotel rooms.

16 15. Plaintiff has certain plans of returning and staying at the Hotel in
17 September 2025 during one of her many trips across Southern California, in the hopes
18 that Defendant will have remediated the barrier by then thereby allowing her full and
19 equal access. If the barrier is not removed by the time of her return, she will remain
20 deterred.

21 16. It is readily achievable and inexpensive to modify the Hotel to move a
22 disabled parking spot to the shortest possible route to the lobby entrance.

23 17. Without injunctive relief, Plaintiff and others will continue to be unable to
24 independently use Defendant's hotel in violation of her rights under the ADA.

25 **FIRST CAUSE OF ACTION**

26 18. Plaintiff incorporates all allegations heretofore set forth.
27
28

1 19. Defendant has discriminated against Plaintiff and others in that it has
2 failed to make its public lodging services fully accessible to, and independently usable
3 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §
4 12182(b)(2)(iv) and the 2010 Standards, as described above.

5 20. Defendant has discriminated against Plaintiff in that it has failed to
6 remove architectural barriers to make its lodging services fully accessible to, and
7 independently usable by individuals who are disabled in violation of 42 U.S.C.
8 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the
9 2010 Standards would neither fundamentally alter the nature of Defendant's lodging
10 services nor result in an undue burden to Defendant.

11 21. In violation of the 2010 Standards, Defendant's Hotel parking lot does not
12 comply with Section 208.3 of the Standards, as described above.

13 22. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards,
14 as described above, is readily achievable by the Defendant. *Id.* Readily achievable
15 means that providing access is easily accomplishable without significant difficulty or
16 expense.

17 23. Defendant's conduct is ongoing, and Plaintiff invokes her statutory right
18 to declaratory and injunctive relief, as well as costs and attorneys' fees.

19 24. Without the requested injunctive relief, Defendant's non-compliance with
20 the ADA's requirements that its parking lot be fully accessible to, and independently
21 useable by, disabled people is likely to recur.

22 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 23 a. Declaratory Judgment that at the commencement of this action Defendant
24 was in violation of the specific requirements of Title III of the ADA
25 described above, and the relevant implementing regulations of the ADA;
- 26 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
27 36.504(a) which directs Defendant to take all steps necessary to bring its
28 parking lot into full compliance with the requirements set forth in the
 ADA;

1 c. Payment of costs and attorney's fees;

2 d. Provision of whatever other relief the Court deems just, equitable and
3 appropriate.

4 **SECOND CAUSE OF ACTION**

5 25. Plaintiff incorporates all allegations heretofore set forth.

6 26. Defendant has discriminated against Plaintiff and others in that it has
7 failed to make its public lodging services fully accessible to, and independently usable
8 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §
9 12182(b)(2)(iv) and the 2010 Standards, as described above.

10 27. Defendant has discriminated against Plaintiff in that it has failed to
11 remove architectural barriers to make its lodging services fully accessible to, and
12 independently usable by individuals who are disabled in violation of 42 U.S.C.
13 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the
14 2010 Standards would neither fundamentally alter the nature of Defendant's lodging
15 services nor result in an undue burden to Defendant.

16 28. In violation of the 2010 Standards, Defendant's Hotel disabled parking
17 does not have a sign posted of the International Sign of Disability, which violates
18 Section 502.6.

19 29. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards,
20 as described above, is readily achievable by the Defendant. *Id.* Readily achievable
21 means that providing access is easily accomplishable without significant difficulty or
22 expense.

23 30. Defendant's conduct is ongoing, and Plaintiff invokes her statutory right
24 to declaratory and injunctive relief, as well as costs and attorneys' fees.

25 31. Without the requested injunctive relief, Defendant's non-compliance with
26 the ADA's requirements that its parking lot be fully accessible to, and independently
27 useable by, disabled people is likely to recur.
28

1 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 2 a. Declaratory Judgment that at the commencement of this action Defendant
3 was in violation of the specific requirements of Title III of the ADA
4 described above, and the relevant implementing regulations of the ADA;
- 5 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
6 36.504(a) which directs Defendant to take all steps necessary to bring its
7 parking lot into full compliance with the requirements set forth in the
8 ADA;
- 9 c. Payment of costs and attorney's fees;
- 10 d. Provision of whatever other relief the Court deems just, equitable and
11 appropriate.

12 **THIRD CAUSE OF ACTION**

13 32. Plaintiff realleges all allegations heretofore set forth.

14 33. Defendant has violated the Unruh by denying Plaintiff equal access to its
15 public accommodation on the basis of her disability as outlined above.

16 34. Unruh provides for declaratory and monetary relief to "aggrieved
17 persons" who suffer from discrimination on the basis of their disability.

18 35. Plaintiff has been damaged by the Defendant's non-compliance with
19 Unruh.

20 36. Pursuant to Cal Civ. Code §52, Plaintiff is further entitled to such other
21 relief as the Court considers appropriate, including monetary damages in an amount of
22 \$4,000.00, and not more.

23 37. Pursuant to Unruh, Plaintiff is entitled to attorney's fees and costs in an
24 amount to be proven at trial.

25 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 26 a. Declaratory Judgment that at the commencement of this action Defendant
27 was in violation of the specific requirements of Unruh; and
- 28 b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §
36.504(a) which directs Defendant to take all steps necessary to bring its

1 parking lot into full compliance with the requirements set forth in the
2 ADA;

3 c. Payment of costs and attorney's fees;

4 d. Damages in the amount of \$8,000.00; and

5 e. Provision of whatever other relief the Court deems just, equitable and
6 appropriate.

7 **DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demands a jury trial on issues triable by a jury.

9 RESPECTFULLY SUBMITTED this 21st day of May, 2025.

10 /s/ P. Kristofer Strojnik

11 P. Kristofer Strojnik (242728)

12 Attorneys for Plaintiff

13 **VERIFICATION**

14 I declare under penalty of perjury that the foregoing is true and correct.

15 DATED this 21st day of May, 2025.

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17
18
19 Theresa Marie Brooke